

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

SOUTHERN BAKERIES, LLC

and

Case 15-CA-174022

BAKERY, CONFECTIONERY, TOBACCO
WORKERS, AND GRAIN MILLERS UNION

NOTICE TO SHOW CAUSE

On May 11, 2017, Administrative Law Judge Arthur J. Amchan issued a decision in this case. The Respondent filed exceptions and a supporting brief, the General Counsel filed an answering brief, and the Respondent filed a reply brief. In addition, the General Counsel filed cross-exceptions, the Respondent filed an answering brief, and the General Counsel filed a reply brief.

On May 1, 2018, the Board issued a decision, 366 NLRB No. 78, ruling on the exceptions to some of the complaint allegations, but it severed and retained for future resolution allegations involving the Respondent's maintaining seven work rules. These severed allegations allege that the Respondent violated Section 8(a)(1) of the National Labor Relations Act based on the prong of the analytical framework set forth in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004), that held an employer's maintenance of a facially neutral work rule would be unlawful "if employees would reasonably construe the language to prohibit Section 7 activity." *Id.* at 647. Recently, the Board overruled the *Lutheran Heritage* "reasonably construe" test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. 14-17 (2017).

Accordingly, the Board hereby issues the following notice to show cause why this proceeding should not be remanded to the judge for further proceedings in light of *Boeing*, including, if necessary, the filing of statements, reopening the record, and issuance of a supplemental decision.

NOTICE IS GIVEN that any party seeking to show cause why this case should not be remanded to the administrative law judge must do so in writing, filed with the Board in Washington, D.C., on or before October 29, 2018 (with affidavit of service on the parties to this proceeding). Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., October 15, 2018.

By direction of the Board:

/s/ Roxanne L. Rothschild

Executive Secretary